

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
MARCH 16, 2009**

**LEWISVILLE CITY HALL
151 WEST CHURCH STREET
LEWISVILLE, TEXAS 75057**

**WORKSHOP SESSION - 5:30 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 5:30 P.M.

- A. Retreat Direction
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Durham
- B. **PLEDGE TO THE FLAG:** Councilman Tierney
- C. **PRESENTATIONS:**
 - 1. Recognition of Chief Russ Kerbow with a Patriotic Employer Award.
 - 2. Recognition of LISD Severe Weather Awareness Week Poster Contest Winners.
- D. **VISITORS/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

- E. **CONSENT AGENDA:** All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.
1. **APPROVAL OF MINUTES: City Council Minutes of the March 2, 2009, Workshop Session and Regular Session.**
 2. **Approval of a Transportation Consultation Services Agreement With Innovative Transportation Solutions, Inc., in the Amount of \$90,000; and Authorization for the City Manager, or his Designee, to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

Innovative Transportation Solutions, Inc. has been providing consultation services on a variety of transportation issues for the City of Lewisville since March 2000. Their services include a variety of tasks including coordinating the transportation needs of the City, seeking federal/state/county funding for new projects, and working with the North Central Texas Council of Governments and Denton County on future mobility needs. Innovative Transportation Solutions, Inc., in the past year, has been working on behalf of the City related to the Regional Toll Revenue Funds, Old Town Sustainable Development projects, and Denton County TRIP-08 bond projects. Innovative Transportation Solutions, Inc. is seeking a renewal of their contract in the amount of \$90,000, which is the same as last year's contract. Funding is available in the Community Development Department fiscal year 2008/2009 budget.

RECOMMENDATION:

That the City Council approve the Transportation Consultation Services Agreement with Innovative Transportation Solutions, Inc., in the amount of \$90,000; and authorize the City Manager, or his designee, to execute the agreement.

3. **Approval of Final Acceptance of the 2008 CDBG Asphalt Rehab Project; and Authorization to Make Final Payment in the Amount of \$36,340.14 to Reynolds Asphalt and Construction Company.**

ADMINISTRATIVE COMMENTS:

On October 20, 2008, City Council awarded a contract to Reynolds Asphalt and Construction Co. in the amount of \$324,724.05 for the 2008 CDBG Asphalt Rehab Project. Two change orders, one for CDBG work in the amount of \$4,918.60 and one for non CDBG work in the amount of \$55,100.00, increased the contract total to \$384,742.65. Field change reductions to the original non CDBG project resulted in a net reduction of \$21,341.15, for a completed total of \$363,401.50. This project completed asphalt rehab work to Perry Street, Hatcher Avenue, Hickory Street, Elm Street, Edwards Street, Cherry Lane, Laurel Lane, Kingston Drive, Palisades Drive, Monaco Drive, Tahoe Drive, Catalina Drive, and the parking lot at Mill Street and Elm Street.

RECOMMENDATION:

That the City Council accept the 2008 CDBG Asphalt Rehab Project; and authorize final payment in the amount of \$36,340.14 to Reynolds Asphalt and Construction Company.

- 4. Approval of Supplemental Arbitrage Rebate Reports From First Southwest Company Showing a Total Arbitrage Liability of \$405,066; Approval of Appropriations in the Utility Capital Projects Fund From Bond Account Unappropriated Cash Balances in the Amount of \$53,554, and in the General Capital Projects Fund From Bond Account Unappropriated Cash Balances in the Amount of \$358,994; and Authorization of Payment for Service Fees to First Southwest Company in the Amount of \$51,120 for Twenty-Six Reports.**

ADMINISTRATIVE COMMENTS:

First Southwest Company has completed all arbitrage calculations for 2008 to comply with Internal Revenue Service Arbitrage Regulations. The Federal Tax Reform Act of 1986 requires local governments to report and rebate interest earnings related to tax exempt bond proceeds which exceed interest allowed or paid on the bonded debt. The reports show a total arbitrage liability calculated as of September 30, 2008 as being \$405,066. Arbitrage liabilities are recalculated every year, and payment of liabilities is only required if the issues have a positive liability on five-year anniversary or final maturity dates. Appropriations are adjusted annually to reflect liabilities and compliance calculation fees after updated arbitrage reports are received.

RECOMMENDATION:

That the City Council approve the Supplemental Arbitrage Rebate Reports from First Southwest Company showing a total arbitrage liability of \$405,066; approval of appropriations in the Utility Capital Projects Fund from Bond Account Unappropriated Cash Balances in the amount of \$53,554, and in the General Capital Projects Fund from Bond Account Unappropriated Cash Balances in the amount of \$358,994; and authorize payment for service fees to First Southwest Company in the amount of \$51,120 for twenty-six reports.

5. Acceptance of the Fiscal Year 2008 Comprehensive Annual Financial Report (CAFR).

ADMINISTRATIVE COMMENTS:

The independent annual audit of the City's financial statements is complete. The 2008 Comprehensive Annual Financial Report is provided in compliance with Administrative Policy and Procedure 3.1.2, Accounting, Auditing and Financial Reporting. The report includes the auditor's opinion statement regarding the financial statement presentation. Also included are reports for the Single Audit Report on Federal Financial Assistance, Auditor's Report to Management on Internal Control and the Auditor's Report of Required Communication to City Council and Management.

RECOMMENDATION:

That the City Council accept the Fiscal Year 2008 Comprehensive Annual Financial Report (CAFR).

6. Approval of a Resolution Recognizing the Necessity of Watershed Protection; Expressing Intentions to Participate; and Directing Staff to Review Strategies and Key Elements for Consideration in Operating Procedures and Local Policies.

ADMINISTRATIVE COMMENTS:

The Upper Trinity Regional Water District is coordinating the Lewisville Lake Area Watershed Protection Program throughout the county. The City has implemented many of the suggested strategies and supports the Watershed Protection Program.

RECOMMENDATION:

That the City Council approve the resolution.

- 7. Approval of an Amendment to the Interlocal Cooperation Agreement With Denton County, Related to the Southwest Lewisville Infrastructure Improvements; and Authorization for the Mayor to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The City Council, on December 18, 2006, approved an Interlocal Cooperation Agreement with Denton County related to the construction of the Southwest Lewisville Infrastructure Improvements. The original scope of the project included the construction of Valley Parkway from FM 3040 to SH 121 Business and Spinks Road from Valley Parkway to Edmonds Lane. The amended Interlocal Cooperation Agreement includes the construction of Spinks Road from Duncan Lane to Valley Parkway.

RECOMMENDATION:

That the City Council approve the amendment to the Interlocal Cooperation Agreement with Denton County; and authorize the Mayor to execute the agreement.

- 8. Approval of a Supplemental Appropriation From General Capital Projects Cash to the 2009 Building Repairs Capital Project in the Amount \$200,000.**

ADMINISTRATIVE COMMENTS:

Facilities Maintenance is in the process of performing a maintenance review of all facilities. As part of the review, it has been discovered that several City facilities are in need of roof repairs. In addition, repairs to air conditioning and heating systems have also been identified. It is anticipated that additional miscellaneous repairs will be needed, as the review is on-going. Staff is recommending that these repairs be conducted in a timely manner in order to reduce possible damage to the various facilities.

RECOMMENDATION:

That the City Council approve the supplemental appropriation in the amount of \$200,000.

F. **REGULAR HEARINGS:**

9. **Tabled Item: Consideration of an Ordinance Amending the Lewisville City Code, Chapter 4 Relating to Temporary Structures and Uses; Regulating Personal on Demand Storage Units; and Dumpsters on Residential Properties.**

ADMINISTRATIVE COMMENTS:

This item was tabled at the March 2, 2009 City Council meeting. Staff was directed to revise the proposed ordinance, avoiding acronyms associated with company names directly involved in portable container usage and review the language relating to enforcement. Staff has revised the ordinance, which now refers to these containers as Temporary Portable Storage Units.

RECOMMENDATION:

That the City Council approve the requested ordinance.

PRESENTATION: Cleve Joiner, Building Official

10. **Tabled Item: Consideration of an Ordinance Amending the Lewisville City Code, Article XVIII, Section 7-601 Through 7-619 Regulating the Drilling and Production of Oil and Gas Wells Within the City of Lewisville by Providing Additional Landscaping and Fencing Requirements, Changing Noise Regulations, and Other Related Matters.**

ADMINISTRATIVE COMMENTS:

This item was tabled at the March 2, 2009 City Council meeting for input from affected parties. Staff has supplied the proposed ordinance to various parties and has received comments from some of the parties. Staff is in the process of analyzing and reviewing those comments.

RECOMMENDATION:

That the City Council table the ordinance.

PRESENTATION: Eric Ferris, Community Development Director

11. Consideration of Procedures for Soliciting Input Regarding Future Revisions to the Oil and Gas Ordinance.

ADMINISTRATIVE COMMENTS:

On March 2, 2009, Council directed staff to develop procedures that would allow input from citizens and oil and gas well operators regarding any future revisions to the ordinance prior to Council consideration.

RECOMMENDATION:

That the City Council adopt staff's recommendations and provide direction as to whether the process should include both a public comment and public hearing process or public comment period only.

12. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Fee Schedule, by Adding Rental Fees for Other Law Enforcement Agencies' use of the Police Outdoor and Indoor Firing Range.

ADMINISTRATIVE COMMENTS:

The Lewisville Police Department wants to allow other law enforcement agencies use of its outdoor and indoor firing range. The department will be responsible for managing the time slots and the range use policy.

RECOMMENDATION:

That the City Council approve the ordinance amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Fee Schedule by adding rental fees for other law enforcements agencies use of the police outdoor and indoor firing range.

- 13. Acceptance of Resignation of Marcia DeAvila From Place No. 3 on the Library Board; Declare a Vacancy Exists; and Consideration of an Appointment to Place No. 3 on the Library Board.**

ADMINISTRATIVE COMMENTS:

Marcia DeAvila has submitted an e-mail turning in her resignation from the Library Board as she is moving to Lake Dallas at the end of March. The resignation of Marcia DeAvila has created a vacancy in Place No. 3 of the Library Board. The City Council will need to consider a new appointment to fill the vacancy in Place No. 3.

RECOMMENDATION:

That the City Council accept the resignation of Marcia DeAvila from Place 3 on the Library Board; declare a vacancy exists; and consider an appointment to fill the vacancy created by her resignation.

- G. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
1. Section 551.072 (Real Estate): Property Acquisition
 2. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- H. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- I. **ADJOURNMENT**

<p>The City Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by <u>Texas Government Code</u> Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).</p>
